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Petition Under 37 CFR 1.183 (2 pages)

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NO. 1618 P. 2

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

KAZUYUKI NAKATA

CASE NO: AD-6705

APPLICATION NO: 09/890,028

GROUP ART UNIT: 1714

FILED:

JULY 24, 2001

EXAMINER:

Patrick Dennis Niland

APPEAL NO: 2005-2432

FOR: AQUEOUS DISPERSION COMPOSITION AND MANUFACTURING
METHOD FOR THE COMPOSITION

PETITION UNDER 37 CFR § 1.183

Commissioner for Patents

P.O. Box 1450

Arlington, VA 22313-1450

Sir:

In response to the Notification of Non-Compliance Regarding Oral Hearing, Appellant requests to suspend the separate paper requirement of 37 CFR § 1.194(b). Appellant filed an Appeal Brief dated January 30, 2004, including a statement requesting an oral hearing in connection with the appeal and Appellant filed a Reply Brief dated June 16, 2004, which included a statement the Appellant would like to use an expert witness at the oral hearing. Because of the complexity of the Patent Office's arguments, Appellant maintains that injustice may result if Appellant is not permitted to appear for oral argument based on merely not adhering to a formal requirement. Accordingly, Appellant requests the separate paper requirement of 37 CFR § 1.194(b) be suspended or waived, and that Appellant requests for oral hearing and presence of an expert witness be granted.

Docket No. AD-6705
Application No. 09/890,028 \ Appeal No. 2005-2432

The Commissioner is hereby authorized to charge the petition fee set forth in 37 CFR § 1.17(h) and the oral hearing fee as set forth in 37 CFR § 41.20(b)(3) to Deposit Account No. 04-1928. The Commissioner is authorized to charge any additional fee(s), or credit any overpayment to Deposit Account No. 04-1928.

Respectfully submitted,



CRAIG H. EVANS

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Dated: September 7, 2005